

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas

FILED

October 22, 2020

David J. Bradley, Clerk of Court

United States of America

v.

Jaime Daniel PEREZ
(H/M, DOB 8/16/95, FBI# 773676CD2),

Case No. 4:20mj2036

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 14, 2020 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 U.S.C. § 922(g)(5)
18 U.S.C. § 922 (k)

Offense Description

Alien in possession of a firearm
Possession of firearm with obliterated serial number

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

James Stanek, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence. Telephonically.

Date: October 22, 2020City and state: Houston, Texas

Judge's signature

United States Magistrate Judge Peter Bray

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT


The following are facts establishing the forgoing issuance of an arrest warrant:

I, James D. Stanek, affiant, do hereby state the following:

1. I am a Special Agent (SA) with the Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and I have been so employed for approximately 6 years. By way of this employment, I have received training in the enforcement of the various criminal statutes enacted in the Gun Control Act of 1968. I am also a graduate of the Federal Law Enforcement Training Center and ATF National Academy.
2. As a result of my training and experience as an ATF Special Agent, I am familiar with the Federal Firearm laws and know it is a violation of Title 18, U.S.C. § 922(g)(5), for any person who is an alien illegally or unlawfully present in the United States to ship, transport, receive or possess any firearm and/or ammunition which has been transported in or affected interstate or foreign commerce and Title 18, U.S.C. § 922(k), for anyone to transport, ship, receive or possess a firearm with the manufacturer's serial number obliterated, removed, or altered.
3. The information enumerated in the paragraphs below, furnished in support of this affidavit, is derived from my own observations, training and experience and upon statements made by witnesses and other law enforcement officers.
4. On October 14, 2020, I received information regarding the traffic stop and arrest of Jamie Daniel PEREZ (H/M, DOB 8/16/95, FBI# 773676CD2), an illegal alien. PEREZ was arrested at 455 Hollow Tree Ln, Houston, TX 77090 for possession of a prohibited weapon. This arrest took place in the Southern Judicial District of Texas.
5. At approximately 2:00 P.M., on 10/14/2020, HCSO deputies, while conducting a joint investigation with Texas Department of Public Safety (DPS), observed a vehicle fail to stop at a stop sign and having a defective brake light. Consequently, HCSO deputies conducted a traffic stop of the vehicle, a green Ford Expedition, IL L970815, at the above mentioned location. Deputies know the location as being an area of gang activity and narcotic sales.
6. PEREZ, the driver of the vehicle, opened the door and attempted to exit during the traffic stop at which time deputies ordered PEREZ back into the vehicle. An odor of marijuana was emitting from the green expedition as deputies approached. Deputies observed in plain view a pistol located between the driver's seat and center console, within reach of PEREZ, as well as a rifle in the lap of the passenger, Alexander DOMINGUEZ. Subsequently, HCSO Deputies detained all occupants and conducted a probable cause search of the vehicle.

7. When conducting a search of the vehicle deputies removed the pistol located in between the driver's seat and center console and observed an obliterated serial number. Along with the two above mentioned firearms, deputies recovered one hundred and eighty four (184) 5.56 caliber rounds of ammunition, sixteen (16) 40 caliber rounds of ammunition, and two suspected destructive devices (pipe bombs).
8. The Firearms recovered are identified as a Taurus, model PT100 AR, 40 caliber semi-automatic pistol, s/n obliterated and a Diamond Back Firearms, model DB-15, 5.56 X 45mm rifle, serial number DB1590861.
9. HCSO transported PEREZ to the ATF office, 5825 North Sam Houston Pkwy West, Houston, TX for interviewing. The purpose of the interview was to obtain information regarding firearms and two destructive devices found during the search of the vehicle PEREZ was driving. Prior to making a statement and during the video recording, PEREZ was advised of his legal warning by DPS agents in accordance with Article 15.17 of the Texas Code of Criminal Procedure.
10. PEREZ told investigators the Taurus pistol was in his (PEREZ) waistband during the traffic stop and he placed the firearm between driver seat and console when he parked. PEREZ admitted purchasing the Taurus pistol years prior. When PEREZ purchased the pistol he noticed an obliterated serial number; however, he decided to keep the firearm and engraved the firearm with his initials. PEREZ told investigators the rifle found on passenger DOMINGUEZ was his (PEREZ).
11. On October 21, 2020, I requested a determination from ATF S/A Alex Johny as to the interstate nexus of the abovementioned firearms. S/A Johny, who is recognized as an expert in the interstate movement of firearms, advised me that the Taurus, model PT100 AR, 40 caliber semi-automatic pistol, s/n obliterated and Diamond Back Firearms, model DB-15, 5.56 X 45mm rifle, serial number DB1590861 were not manufactured in the state of Texas and therefore traveled in interstate commerce.
12. On October 21, 2020, I contacted Homeland Security Investigations (HSI) Special Agent (S/A) Shane Jaime regarding Jaime Daniel PEREZ legal status in the United States of America. S/A Shane Jaime advised Jaime Daniel PEREZ is illegally or unlawfully present in the United States of America and provided his A number, A206742505.

13. Based on the foregoing facts, I believe that probable cause exists to establish that Jaime PEREZ did knowingly possess, in and affecting commerce, the above detailed firearms, which had been shipped in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(5) and did knowingly possess a firearm with the manufacturer's serial number obliterated, removed, or altered, in violation of Title 18, United States Code, Section 922(k).


James Stanek
Affiant ATF Special Agent

Telephonically

Sworn to before me and subscribed ~~in my presence~~ on October 22, 2020, and I find probable cause.


United States Magistrate Judge Peter Bray